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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,656	07/10/2003	William D. Denison	223058	9963
23460	7590	10/01/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			PAYNE, SHARON E	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,656	DENISON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sharon E. Payne	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) 8-10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Claim Objections***

1. Claim 6 is objected to because of the following informalities: 1) the phrase "end plug" should be "the conductive plug means" in line 6; and 2) the phase "holding means" should be "brackets" in line 7. (It appears that the Applicant meant the brackets instead of the holding means, because the brackets are referenced in claim 7.)
2. Claim 7 is objected to because of the following informality: the phrase "the boots" should be "the booted end receptacles" in line 2.
3. Claim 10 is objected to because of the following informality: the phrase "the snap on and off connection" should be "a connection" in line 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (U.S. Patent 2,374,032) in view of Moulton (U.S. Patent 5,550,724).

Regarding claim 1, Mueller discloses conductive end caps (reference number 2) sealingly affixed to the tube ends (Figs. 1 and 2) in contact with the leads and forming plug ends for the tube (Figs. 1 and 2), power supply conductor wires (reference number 22) having boot ends (Fig. 2) containing receptacles connected to the wires (Figs. 2 and 5) and the receptacles being adapted to snap on to and off from the tube plug end caps for quick placement and replacement of the tube (Figs. 2, 4 and 5). Mueller does not disclose the neon tube.

Moulton discloses a neon tube (abstract) having projecting conducting leads from each of its ends (Fig. 8).

It would have been obvious to one of ordinary skill in the art to use the neon tube of Moulton in the apparatus of Mueller to produce light that can be seen from a distance.

Concerning claim 2, Mueller does not disclose a flexible and heat resistant material. Moulton discloses a flexible (column 4, lines 19-20) and heat resistant material (column 3, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the material of Moulton in the apparatus of Mueller to provide a flexible and heat resistant housing for an electrode. See column 4, lines 19-35, of Moulton.

Regarding claim 3, Mueller discloses the boot ends including an integrally formed holding means. (See the portion of the boot end holding the nut and bolt on the top left of Fig. 1.). The portion of the claim starting with "for supporting" and continuing until the end of the claim constitutes functional language that is not given patentable weight. See M.P.E.P. 2114.

7. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller and Moulton and further in view of Trulaske, Sr. (U.S. Patent 5,584,547).

Regarding claim 4, Mueller does not disclose bracket means. Trulaske, Sr. discloses bracket means being provided in the vending machine (Fig. 4, reference numbers 64 and 84), and the brackets are adapted to removably receive the holding means means on the boot ends (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the brackets of Trulaske, Sr. with that apparatus of Mueller to hold the lamps in the vending machine. See Fig. 4 of Trulaske, Sr.

Concerning claim 5, Mueller does not disclose a bracket. Trulaske, Sr. discloses the brackets as being spaced apart (Fig. 4).

The portion of the claim starting with "to receive" and continuing until the end of the claim is considered to be functional language that is not given patentable weight. See M.P.E.P. 2114.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the brackets of Trulaske, Sr. with that apparatus of Mueller to hold the lamps in the vending machine. See Fig. 4 of Trulaske, Sr.

Regarding claim 6, Mueller discloses the steps of forming tubular lamps with conductive plug means (reference number 2) sealingly affixed to the ends of the lamp tube (Figs. 1 and 2), providing booted end receptacles for power supply wires adapted to snap onto and off from the end plug means (conductive plug means) on the tubular lamp (Figs. 4 and 5). Mueller does not disclose the neon lamp or the step of providing holding means (brackets) within the machine structure.

Moulton discloses the neon tubular lamp (abstract).

Trulaske, Sr. discloses the step of providing holding means (brackets) within the machine structure adapted to removingly receive the booted neon tubular lamp (Fig. 4). The portion of the claim starting with "for retaining" and continuing to the end of the claim constitutes functional language that is not given patentable weight. See M.P.E.P. 2114.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the neon lamp of Moulton in the apparatus of Mueller to produce light that can be seen from a distance.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the holding means (brackets) shown in Trulaske, Sr. to hold the lamp in the vending machine. See Fig. 4 of Trulaske, Sr.

Concerning claim 7, Mueller discloses the step of forming retaining means holding means) on the boots (boot ends) adapted to be removably received by the brackets affixed to the machine. See Fig. 1, top left, where the nut and bolt hold the apparatus.

#### ***Allowable Subject Matter***

8. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a method of illuminating a vending machine having the following features:

1) brackets being spaced apart that slidingly receive the holding means formed on the boot ends of the power supply wires as recited in claim 8;

2) brackets slidably receiving the boot retaining means (holding means) as recited in claim 9; and

3) wherein the connection between the end plugs (conductive plug means) and boot receptacles (boot ends) employs a tongue and groove as recited in claim 10.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sep

  
Sharon Payne  
Patent Examiner  
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